

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JACK KAHRIGER,

Plaintiff,

v.

XAVIER BECERRA,

Defendant.

CIVIL ACTION
NO. 23-4384

ORDER

AND NOW, this 13th day of May 2024, upon consideration of Plaintiff's Complaint, (ECF No 1), Defendant's Motion to Dismiss, (ECF No. 9), Plaintiff's Response, (ECF No. 11), Defendant's Reply (ECF No. 14) and Plaintiff's Sur-Reply, (ECF No. 15), it is hereby **ORDERED** that the motion is **GRANTED** in part and **DENIED** in part.

The Court **DENIES** the motion with respect to the gender discrimination and retaliation claims.

Plaintiff's hostile work environment claim is **DISMISSED** without prejudice. Plaintiff may, on or before Monday, June 10, 2024, file an amended complaint to the extent he can allege facts which could establish a basis for equitable tolling of the time within which he was required to exhaust his administrative remedies before bringing this claim.

BY THE COURT:

/s/ Gerald J. Pappert
Gerald J. Pappert, J.